IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4475 OF 2001

Mrs. Anjali S. Koli ....Petitioner.

V/s

1. State of Maharashtra
and Ors. ....Respondents.

Mr. R.K. Mendadkar for the petitioner.

Mr. C.R. Sonawane, AGP for respondent Nos. 1, 2 and 4.

Mr. S.S. Pandit for respondent No.3.

CORAM: V.G. PALSHIKAR &
V.M. KANADE, JJ.

DATE : 13th June, 2006

P.C.:

1. By this Petition, petitioner is challenging the order dated 26/7/2001 passed by the Caste Scrutiny Committee, holding that the petitioner's certificate is not liable to be validated.

2. Petitioner was employed in National Bank for Agriculture & Rural Development and by its communication dated 30/12/1996, the certificate belonging to a particular caste viz. Mahadeo Koli, was sent by the Bank to the Caste Scrutiny Committee for verification of its correctness. At that time,

the Committee had no jurisdiction to investigate into the claims of castes in relation to the employees not covered by the initial resolution. Consequently, in 1996, when the matter was placed before the Committee, the Committee had no jurisdiction to undertake the verification task. However, during the pendency of this scrutiny before the Committee, the Government of Maharashtra issued a resolution whereby the jurisdiction of the Committee was enlarged and it was able to scrutinize the castes claims of persons employed by Banks and other Institutions.

3. In our opinion, this is a technical judicial lacuna in the matter of jurisdiction of the Committee at the time of initiation of proceedings. Interest of justice would, therefore, be met if the impugned order is set aside and the matter is remitted back to the Committee for decision afresh in the light of the law applicable till date.

4. Accordingly, the impugned order is set aside and the matter is remitted back to the Committee for decision afresh in the light of the law applicable till date. Parties to co-operate with the Committee in disposal of the verification of the caste and it should be undertaken expeditiously as the question of

employment is concerned.

5. Petition is accordingly disposed of.

(V.G.PALSHIKAR, J.)

(V.M. KANADE, J.)